

MEETINGS TO DATE 15
NO. OF REGULARS 14
NO. OF SPECIALS 1

LANCASTER, NEW YORK
JULY 20, 1981

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York, on the 20th day of July, 1981, at 8:00 P.M. and there were:

PRESENT:

STANLEY JAY KEYSA, SUPERVISOR
JOSEPH R. BARNHARDT, COUNCILMAN
EDWARD A. BERENT, COUNCILMAN
RONALD A. CZAPLA, COUNCILMAN
RONALD E. GRZYBOWSKI, COUNCILMAN

ABSENT:

NONE

ALSO PRESENT:

ROBERT P. THILL, TOWN CLERK
DOMINIC J. TERRANOVA, TOWN ATTORNEY
RICHARD J. SHERWOOD, DEPUTY TOWN ATTORNEY
ROBERT LABENSKI, TOWN ENGINEER
ROBERT W. URBAN, HIGHWAY SUPERINTENDENT
THOMAS E. FOWLER, CHIEF OF POLICE

BID OPENINGS:

None

PUBLIC HEARING SCHEDULED FOR 8:00 P.M.:

At 8:00 P.M. the Town Board held a Public Hearing to hear all interested parties and citizens on a proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster as petitioned by Josela Enterprises, Inc.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

The Town Clerk presented a copy of a letter which was mailed Certified Mail, Return Receipt Requested, to the Petitioner, notifying the Petitioner of the time and place of this Public Hearing.

The Town Clerk presented a letter from Richard Brox, Town Planning consultant of the Town of Lancaster, to the Planning Board recommending a denial of this proposed rezone.

PUBLIC HEARING SCHEDULED FOR 8:00 P.M.:

The Town Clerk presented a letter from the Town of Lancaster Planning Board to the Town Board recommending denial of the proposed rezone.

PROPOSONENTS

Mr. James Riffel, Vice President
Josela Enterprises, Inc.
4875 Broadway
Depew, New York 14043

Mary Alexander, Proposed Purchaser

OPPONENTS

None

ON MOTION BY COUNCILMAN BERENT, AND SECONDED BY COUNCILMAN CZAPLA AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:15 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter until their next meeting scheduled for August 3, 1981.

OFFICIAL REPORTS:

None

COMMITTEE REPORTS:

Councilman Barnhardt for the Street Lighting Committee presented a proposal for improvement of street lighting on Broadway in front of the Town Line Fire Hall. The Town Board later suspended the necessary rule and adopted a resolution authorizing the installation of a street light as contained in the proposal.

Councilman Barnhardt for the Street Lighting Committee requested the Town Clerk to provide the Lighting Committee with a status report on the present acceptance status, performance status, and maintenance status of the street lighting improvements within the various subdivisions of the Town of Lancaster.

Councilman Berent of the Police Committee presented a communication from the Chief of Police wherein the Chief recommended to the Town Board a standardization on radio communications equipment to the Motorola Company. The communication was directed to the Town Clerk for placement upon the next Town Board agenda and to the Town Attorney for preparation of a resolution of standardization.

COMMITTEE REPORTS:

Councilman Grzybowski for the Audit Committee requested the Town Clerk to verify before release of Check, claim no.152 of the Revenue Sharing Fund payable to Dolores Wagener for services rendered to the Planning Board for minute preparation for meetings nos. 20 and 21 of 1980, due to the time lapse involved between the dates of services rendered and the date of claim. Councilman Grzybowski wished to verify that this is not a duplicate payment.

PRESENTATION OF PREFILED RESOLUTIONS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GRZYBOWSKI , TO WIT:

RESOLVED, that the minutes of the meeting of the Town Board of the
Town of Lancaster, held July 6, 1981, as presented by the Town Clerk, be and
hereby are approved.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

~~only~~
The resolution was thereupon unanimously adopted.

July 20, 1981

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
CZAPLA , TO WIT:

WHEREAS, a vacancy in the Town of Lancaster Recreation Commission
has been created by the resignation of James Schum, and

WHEREAS, MARY LOUISE ARDINO of 162 Main Street, Depew, New York,
has the academic and professional training in human services and the ability
to be of important service to the community as a member of the Town of
Lancaster Recreation Commission;

NOW, THEREFORE, BE IT

RESOLVED, that MARY LOUISE ARDINO of 162 Main Street, Depew, New York,
be and hereby is appointed a member of the Town of Lancaster Recreation
Commission to fill the unexpired term of James Schum, which expires December 31,
1982.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

~~xxx~~
The resolution was thereupon unanimously adopted.

July 20, 1981

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, the Lancaster Youth Bureau and Drug Abuse Prevention
Council require space for the continuation of their programs from and after
August 1, 1981, and

WHEREAS, said agencies have negotiated a lease with the Lancaster
Central School District, in form approved by the Town Attorney, which lease
has been filed with the Town Clerk,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby
authorizes and directs the Supervisor to execute a Lease Agreement between the
Lancaster Central School District and the Town of Lancaster, and upon execution
by the Supervisor, the Town Clerk shall forward all executed copies to John
R. Bunting, Director of Elementary Education, for execution by the Board of
Education of said School District.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GRZYBOWSKI VOTED YES

SUPERVISOR KEYSA VOTED YES

The resolution was thereupon unanimously adopted.

July 20, 1981

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BERENT , TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc., by letter dated July 14, 1981, has requested confirmation of two (2) new members and one (1) limited member duly elected to the Membership of the Bowmansville Volunteer Fire Association, Inc., and the deletion of two (2) members from the active roster of the Bowmansville Volunteer Fire Association, Inc.,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the additions to, and deletions from, the membership of the following individuals in the Bowmansville Volunteer Fire Association, Inc:

ADDITIONS

Raymond Zagoda
633 Columbia Avenue
Lancaster, New York

Kathleen Krug
667 Pleasant View Drive
Lancaster, New York

DELETIONS

Donald Zobrest
493 Harris Hill Road
Bowmansville, New York

Richard Anna
8 Idlebrook
Lancaster, New York

LIMITED

Raymond Wolfe
16 West Home Road
Bowmansville, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

~~only~~
The resolution was thereupon unanimously adopted.

July 20, 1981

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BERENT , TO WIT:

WHEREAS, certain on-site modifications in the construction of the
Opera House Restoration Project have resulted in the necessity of a change
order, and

WHEREAS, the Town of Lancaster's Architect has recommended such
change order be accepted by the Town of Lancaster, and said change order
is on file with the Town Clerk,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and
directed to execute the following change order:

Change Order No. 5 - Electric Contract
E.C.S.

1. Connect 120 v. electric power to sprinkler system compressor	ADD	\$	75.00
2. Relocate lighting fixtures in 1st floor Rear Hall, 2nd fl. Rear Lobby, Basement Corridor to accommodate new suspended ceilings	ADD	\$	300.00
3. Add for crating by Nowell of Schramsburg lighting fixture (Opera House chandelier)	ADD	\$	140.00
	TOTAL ADD	\$	<u>515.00</u>

Amount of Contract prior to this Change Order	\$58,372.31
Amount of this Change Order to be added	<u>515.00</u>
Net Amount of Contract including this Change Order	<u>\$58,887.31</u>

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

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The resolution was thereupon unanimously adopted.

July 20, 1981

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
CZAPLA , TO WIT:

WHEREAS, the Assessor of the Town of Lancaster, by letter dated
July 14, 1981, has recommended that Thomas Kunz Real Property Appraiser/
Estimator Trainee, be authorized to attend a seminar in appraising for tax
assessors at Cornell University, Ithaca, New York, for the period August 2,
1981 through August 7, 1981,

NOW, THEREFORE, BE IT

RESOLVED, that THOMAS KUNZ be and is hereby authorized to attend
the aforementioned seminar, and

BE IT FUTHER

RESOLVED, that expense reimbursement be and is hereby authorized
in a total amount not to exceed \$300.00.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN CZAPLA	VOTED	YES
COUNCILMAN GRZYBOWSKI	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

~~XXXX~~
The resolution was thereupon unanimously adopted.

July 20, 1981

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BERENT , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster, after due consideration of the changes in the New York State Agriculture and Markets Law, which affect (a) the adoption and disposition of dogs, and (b) the licensing fee provisions for those dog owners over 65 years of age, and

WHEREAS, the Dog Control Officer, Town Attorney and Town Clerk have reviewed the proposed ordinance amendment and made comment on same, and

WHEREAS, the Town Board deems it in the public interest to amend Chapter 13, "Dogs", of the Code of the Town of Lancaster, County of Erie, State of New York, by the repeal of the present Sections 13.4 through 13.8, inclusive and by enactment in place thereof of Sections 13.4 through 13.11, inclusive and renumbering the section headings, of Chapter 13 of said Code, as follows:

CHAPTER 13

DOGS

- §13.1 Repealer
- §13.2 Restrictions on Dogs Running at Large
- §13.3 Seizure
- §13.4 Noise, Barking, Disturbing the Peace
- §13.5 Impoundment Fees and Redemption
- §13.6 Violations and Penalties
- §13.7 Enforcement
- §13.8 Local License Fee
- §13.9 Adoption of Dogs; Disposition of Dogs
- §13.10 Severability
- §13.11 Effective Date

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§13.4 Noise, Barking, Disturbing the Peace.

- A. Any person owning or harboring any dog within the Town of Lancaster shall not permit such dog to disturb the peace and quiet of a neighborhood by annoying the residents thereof by howling, barking or making other loud noises.
- B. Continual howling and barking or the making of other loud noises for a period in excess of one-half (1/2) hour shall be considered annoying and disturbing to persons and shall constitute a violation hereunder.

§13.5 Impoundment Fees and Redemption-

- A. Any dog found to be "at large" and seized by any dog control officer or peace officer shall be held for the redemption period and may be redeemed by the owner within the time and in the manner prescribed by Section 118 of Article 7 of the Agriculture and Markets Law of the State of New York provided that the owner pays the following impounded fees:
 - (1) ten dollars (\$10.00) for the first impoundment of any dog owned by that person;
 - (2) twenty dollars (\$20.00) for the first twenty-four (24) hours or part thereof and three dollars (\$3.00) for each additional twenty-four (24) hours or part thereof for the second impoundment, within one year of the first impoundment, of any dog owned by that person; or
 - (3) thirty dollars (\$30.00) for the first twenty-four (24) hours or part thereof and three dollars (\$3.00) for each additional twenty-four (24) hours or part thereof for the third and subsequent impoundments, within one year of the first impoundment, of any dog owned by that person.
- B. The seizure of any dog shall not relieve any person from any violation provided for by Section 13.6 of this Chapter.

§13.6 Violation and Penalties

- A. It shall be a violation, punishable as provided in subdivision "B" of this section, for the owner of any dog to permit the same, at any time, to be "at large" in violation of this chapter.
- B. Violation of this section shall be punishable, subject to election of the enforcement officer, either:
 - (1) where prosecuted pursuant to the penal law, by a fine of not more than twenty-five dollars (\$25.00), except that (i) where the person was found to have violated this section within the preceding five years, the fine may be not more than fifty dollars (\$50.00); and (ii) where

the person was found to have committed two or more such violations within the preceding five years, it shall be punishable by a fine of not more than one hundred dollars (\$100.00) or imprisonment for not more than fifteen (15) days, or both, or

- (2) where prosecuted as an action to recover a civil penalty, by a civil penalty of not more than twenty-five dollars (\$25.00), except that (i) when the person was found to have violated this section within the preceding five years, the civil penalty may not be more than fifty dollars (\$50.00); and (ii) where the person was found to have committed two or more such violations within the preceding five years, the civil penalty may be not more than one hundred dollars (\$100.00).

§13.7

Enforcement

- A. It shall be the duty of the Dog Control Officer of the Town of Lancaster to enforce the provisions of this Chapter.
- B. The Dog Control Officer of the Town of Lancaster shall have all the powers of a Peace Officer in enforcing the provisions of this Chapter. In addition, the Dog Control Officer may serve any process related to any proceeding, whether criminal or civil in nature and including an appearance ticket undertaken in accord with the provisions of this Chapter.

§13.8

Local License Fee

- A. Pursuant to Section 110(4) of the Agriculture and Markets Law of the State of New York, an annual dog license fee of \$3.50 for each dog license issued by the Town of Lancaster, New York, under Section 109(1) of the Agriculture and Markets Law, will be added to the fees established by Section 110(1) of the Agriculture and Markets Law. This annual dog license fee shall be charged for all licenses becoming effective on or after January 1, 1980.
- B. A dog or dogs owned by one or more persons, each of whom is sixty-five (65) years of age or older, shall be exempt from the additional Town imposed local license fee in Subdivision (A) herein.

§13.9

Adoption of Dogs; Disposition of Dogs.

- A. Unlicensed or licensed -
- (1) Any dog unidentified, unlicensed or licensed, in custody of the Dog Control Officer, may be delivered for adoption by the Dog Control Officer or disposed of by euthanization after a seven (7) day redemption period has expired, except that the redemption period shall be nine (9) days where the record owner is notified by mail.

B. Voluntary surrender -

- (1) At the time the dog is surrendered to the Dog Control Officer, the owner shall execute a consent agreeing to the surrender and further authorizing the Dog Control Officer, using his discretion, to either :
 - a) hold the dog for a seven (7) day period and deliver same for adoption, or
 - b) dispose of the dog by euthanization.
- (2) Where the record owner surrenders a dog to the Dog Control Officer, there shall be no redemption period applicable.
- (3) The record owner of the dog shall transfer title to the Town of Lancaster upon surrender, by completing appropriate license sections and that owner shall notify the New York State Department of Agriculture and Markets of the ownership transfer.

C. Licensing prior to release from custody

- (1) No dog shall be delivered for adoption unless it has been licensed pursuant to Article 7 of the Agriculture and Markets Law, prior to its release from the custody of the Dog Control Officer.

D. Fees.

- (1) There shall be no fee for adoption of a dog.
- (2) There shall be no fee for the voluntary surrender of a dog to the Dog Control Officer whether same is disposed of by euthanization or delivered for adoption.

E. Violations.

The disposition by euthanization or delivery for adoption of a seized dog shall not relieve any person from any violations of this ordinance or of the New York State Agriculture and Markets Law.

§13.10 Severability.

Should any section or provision of this ordinance be decided by any court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

§13.11 Effective Date

This Ordinance shall constitute part of the Code of the Town of Lancaster and shall take effect immediately upon its adoption in accordance with the provisions of law.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on the said proposed repeal of Sections 13.4 through 13.8, inclusive, of Chapter 13 of the Code of the Town of Lancaster, entitled, "Dogs", and enactment in place thereof, of Sections 13.4 through 13.11, inclusive of Chapter 13 of said Code will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 3rd day of August, 1981, at 8:00 o'clock P.M., Local Time, and that Notice of the time and place of such hearing be published on July 23, 1981, in the Lancaster Enterprise & Journal, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

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The resolution was thereupon unanimously adopted.

July 20, 1981

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 20th day of July, 1981, the said Town Board will hold a Public Hearing on the 3rd day of August, 1981, at 8:00 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed repeal of Sections 13.4 through 13.8, inclusive, of Chapter 13 of the Code of the Town of Lancaster, entitled "Dogs", and enactment in place thereof, of Sections 13.4 through 13.11, inclusive, and renumbering the section headings of Chapter 13 of said Code, as follows:

CHAPTER 13

DOGS

- §13.1 Repealer
- §13.2 Restrictions on Dogs Running at Large
- §13.3 Seizure
- §13.4 Noise, Barking, Disturbing the Peace
- §13.5 Impoundment Fees and Redemption
- §13.6 Violations and Penalties
- §13.7 Enforcement
- §13.8 Local License Fee
- §13.9 Adoption of Dogs; Disposition of Dogs
- §13.10 Severability
- §13.11 Effective Date

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§13.4 Noise, Barking, Disturbing the Peace.

- A. Any person owning or harboring any dog within the Town of Lancaster shall not permit such dog to disturb the peace and quiet of a neighborhood by annoying the residents thereof by howling, barking or making other loud noises.
- B. Continual howling and barking or the making of other loud noises for a period in excess of one-half (1/2) hour shall be considered annoying and disturbing to persons and shall constitute a violation hereunder.

§13.5 Impoundment Fees and Redemption-

- A. Any dog found to be "at large" and seized by any dog control officer or peace officer shall be held for the redemption period and may be redeemed by the owner within the time and in the manner prescribed by Section 118 of Article 7 of the Agriculture and Markets Law of the State of New York provided that the owner pays the following impounded fees:
 - (1) ten dollars (\$10.00) for the first impoundment of any dog owned by that person;
 - (2) twenty dollars (\$20.00) for the first twenty-four (24) hours or part thereof and three dollars (\$3.00) for each additional twenty-four (24) hours or part thereof for the second impoundment, within one year of the first impoundment, of any dog owned by that person; or
 - (3) thirty dollars (\$30.00) for the first twenty-four (24) hours or part thereof and three dollars (\$3.00) for each additional twenty-four (24) hours or part thereof for the third and subsequent impoundments, within one year of the first impoundment, of any dog owned by that person.
- B. The seizure of any dog shall not relieve any person from any violation provided for by Section 13.6 of this Chapter.

§13.6 Violation and Penalties

- A. It shall be a violation, punishable as provided in subdivision "B" of this section, for the owner of any dog to permit the same, at any time, to be "at large" in violation of this chapter.
- B. Violation of this section shall be punishable, subject to election of the enforcement officer, either:
 - (1) where prosecuted pursuant to the penal law, by a fine of not more than twenty-five dollars (\$25.00), except that (i) where the person was found to have violated this section within the preceding five years, the fine may be not more than fifty dollars (\$50.00); and (ii) where

the person was found to have committed two or more such violations within the preceding five years, it shall be punishable by a fine of not more than one hundred dollars (\$100.00) or imprisonment for not more than fifteen (15) days, or both, or

- (2) where prosecuted as an action to recover a civil penalty, by a civil penalty of not more than twenty-five dollars (\$25.00), except that (i) when the person was found to have violated this section within the preceding five years, the civil penalty may not be more than fifty dollars*(\$50.00); and (ii) where the person was found to have committed two or more such violations within the preceding five years, the civil penalty may be not more than one hundred dollars (\$100.00).

§13.7

Enforcement

- A. It shall be the duty of the Dog Control Officer of the Town of Lancaster to enforce the provisions of this Chapter.
- B. The Dog Control Officer of the Town of Lancaster shall have all the powers of a Peace Officer in enforcing the provisions of this Chapter. In addition, the Dog Control Officer may serve any process related to any proceeding, whether criminal or civil in nature and including an appearance ticket undertaken in accord with the provisions of this Chapter.

§13.8

Local License Fee

- A. Pursuant to Section 110(4) of the Agriculture and Markets Law of the State of New York, an annual dog license fee of \$3.50 for each dog license issued by the Town of Lancaster, New York, under Section 109(1) of the Agriculture and Markets Law, will be added to the fees established by Section 110(1) of the Agriculture and Markets Law. This annual dog license fee shall be charged for all licenses becoming effective on or after January 1, 1980.
- B. A dog or dogs owned by one or more persons, each of whom is sixty-five (65) years of age or older, shall be exempt from the additional Town imposed local license fee in Subdivision (A) herein.

§13.9

Adoption of Dogs; Disposition of Dogs.

- A. Unlicensed or licensed -
- (1) Any dog unidentified, unlicensed or licensed, in custody of the Dog Control Officer, may be delivered for adoption by the Dog Control Officer or disposed of by euthanization after a seven (7) day redemption period has expired, except that the redemption period shall be nine (9) days where the record owner is notified by mail.

B. Voluntary surrender -

- (1) At the time the dog is surrendered to the Dog Control Officer, the owner shall execute a consent agreeing to the surrender and further authorizing the Dog Control Officer, using his discretion, to either :
 - a) hold the dog for a seven (7) day period and deliver same for adoption, or
 - b) dispose of the dog by euthanization.
- (2) Where the record owner surrenders a dog to the Dog Control Officer, there shall be no redemption period applicable.
- (3) The record owner of the dog shall transfer title to the Town of Lancaster upon surrender, by completing appropriate license sections and that owner shall notify the New York State Department of Agriculture and Markets of the ownership transfer.

C. Licensing prior to release from custody

- (1) No dog shall be delivered for adoption unless it has been licensed pursuant to Article 7 of the Agriculture and Markets Law, prior to its release from the custody of the Dog Control Officer.

D. Fees.

- (1) There shall be no fee for adoption of a dog.
- (2) There shall be no fee for the voluntary surrender of a dog to the Dog Control Officer whether same is disposed of by euthanization or delivered for adoption.

E. Violations.

The disposition by euthanization or delivery for adoption of a seized dog shall not relieve any person from any violations of this ordinance or of the New York State Agriculture and Markets Law.

§13.10 Severability.

Should any section or provision of this ordinance be decided by any court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

§13.11 Effective Date

This Ordinance shall constitute part of the Code of the Town of Lancaster and shall take effect immediately upon its adoption in accordance with the provisions of law.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: ROBERT P. THILL
Town Clerk

July 20, 1981

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BERENT , TO WIT:

WHEREAS, certain-on-site modifications in the construction of the
Opera House Restoration project have resulted in the necessity of a change
order, and

WHEREAS, the Town of Lancaster's Architect has recommended such
change order be accepted by the Town of Lancaster, and said change order is
on file with the Town Clerk,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and
directed to execute the following change order:

Change Order No. 6 - General Contract
Henter Construction Corporation

1. Furnish 12 pr. antique hinges as supplied by George Baker, Webster, N.Y.	ADD \$	282.00
2. Furnish 11 reproduction bin pulls as supplied by The Renovator's Supply, Millers Falls, MA	ADD \$	31.60
3. Furnish 15 magnetic cupboard door latches as supplied by Kelley Bros.	ADD \$	15.00
4. Furnish brass plating of antique hinges as supplied through Harold Deutschlander	ADD \$	75.00
5. Add overhead (10%) on above	ADD \$	40.36
6. Add laborer's time for cleaning antique hinges	ADD \$	60.42
7. Credit for omission of shutters at Control Room window into Opera House	DEDUCT \$	120.00
	TOTAL ADD \$	384.38

Amount of Contract prior to this Change Order:	\$233,931.60
Amount of this Change Order to be added:	384.38
Amount of Contract including this Change Order	\$234,315.98

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES	COUNCILMAN GRZYBOWSKI VOTED YES
COUNCILMAN BERENT VOTED YES	SUPERVISOR KEYSA VOTED YES
COUNCILMAN CZAPLA VOTED YES	

The resolution was thereupon unanimously adopted.

July 20, 1981

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN GRZYBOWSKI , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
CZAPLA , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

<u>ACCOUNT</u>	<u>ORDER NUMBER</u>	<u>TOTAL AMOUNT</u>
General Fund	No. 276 to 354 Incl.	\$86,516.68
Highway Fund	No. 584 to 606 Incl.	\$30,541.63
Special District Fund	No. 524 to 526 Incl.	\$10,859.64
Trust and Agency Fund	No. 496 to 502 Incl.	\$23,138.01
Federal Revenue Sharing Fund	No. 145 to 152 Incl.	\$ 1,832.09
Capital Fund	No. 533 to 536 Incl.	\$21,727.29
Community Development Fund (Rehabilitation Escrow Acct.)	No. 106 to 107 Incl.	\$ 690.00

and,

BE IT FURTHER

RESOLVED, that the claim of applicant and Kamar Chimney Service
for \$350.00, and Kandefer Plumbing and Heating for \$240.00, dated May 22, 1981,
has been approved by the Community Development Program, and the Supervisor
be and is hereby ordered to submit these claims for payments from
Community Development Rehabilitation Escrow Acct., Grant No. 379 (T) LANC.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES
COUNCILMAN BERENT VOTED YES
COUNCILMAN CZAPLA VOTED YES
COUNCILMAN GRZYBOWSKI VOTED YES
SUPERVISOR KEYSA VOTED YES

~~XXX~~

The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GRZYBOWSKI , TO WIT:

RESOLVED, that the following Building Permit Applications be and
are hereby approved and the issuance of Building Permits be and are hereby
authorized:

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
113	Frederick Marrihen	1049 Ransom Rd.	ER. FR. PVT. GARAGE
114	John Stellrecht	1371 Ransom Rd.	ER. FR. PVT. GARAGE
115	Emil Rusin	46 Pheasant Run La.	ER. RADIO TOWER
116	Josela Enter.	28 Squirrel Run	ER. FR. SIN. DWLG., PVT. GARAGE
118	Ronald Rickettson	614 Hall Rd.	ER. FR. BRK. VEN. SIN. DWLG
119	Josela Enter.	4 Partridge Walk	ER. FR. SIN. DWLG., PVT. GARAGE
120	Marrano Corp.	175 Pleasant View Dr.	ER. FR. BRK. VEN. SIN. DWLG, PVT. GARAGE
121	Tony Franjoine	5549 William St.	ER. PORCH
122	Felice Soldano	85 Steinfeldt Rd.	ER. FR. BRK. VEN. SIN. DWLG, PVT. GARAGE
123	Donald Queeno	574 Hall Road	ER. POOL
124	Joseph Schwab	22 Glendale Dr.	ER. STORAGE BLDG.

BE IT FURTHER

RESOLVED, that Building Permit Application No. 117 is hereby tabled
pending review of the Variance Petition by the Zoning Board of Appeals.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN CZAPLA VOTED YES

COUNCILMAN GRZYBOWSKI VOTED YES

SUPERVISOR KEYSA VOTED YES

xxx

The resolution was thereupon unanimously adopted.

July 20, 1981

Councilman Barnhardt requested a suspension of the necessary rule for immediate consideration of the following resolution -
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BERENT , TO WIT:

WHEREAS, the Lighting Committee of the Town Board of the Town of Lancaster has requested, and the New York State Electric & Gas Corporation has submitted a proposal for improvement of street lighting on Broadway within Consolidated Lighting District No. 1 of the Town of Lancaster, and

WHEREAS, the said Lighting Committee, after investigation, review, and consideration, has recommended the said installation as contained in said proposal dated July 20, 1981,

NOW, THEREFORE, BE IT

RESOLVED, that the New York State Electric & Gas Corporation be and hereby is authorized to make the following installation of 1 - 8500 lumen HPS lamp at \$58.00:

Broadway

Install 1 - 8500 lumen HPS Lamp @ \$58.00 (P-185-1, L-313)
Light to be installed over driveway for Townline Fire Hall

TOTAL ANNUAL INCREASE \$ 58.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

The resolution was thereupon unanimously adopted.

July 20, 1981

Councilman Czapla requested a suspension of the necessary rule for immediate consideration of the following resolution -
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN CZAPLA , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
GRZYBOWSKI , TO WIT:

WHEREAS, the roof of the former Highway Garage on 3789 Walden Avenue, Lancaster, New York, presently owned by the Town of Lancaster and leased to Erie County Sewer District No. 4, sustained wind damage on or about June 12, 1981, and

WHEREAS, the preliminary repair estimates acquired by the Building Superintendent indicates repairable damage amounting to approximately \$3,500.00 to \$4,000.00.

NOW, THEREFORE, BE IT

RESOLVED, that the Building Superintendent of the Town of Lancaster be and is hereby directed to proceed with the repair and restoration of the damaged roof at 3789 Walden Avenue, and

BE IT FURTHER

RESOLVED, that repair authorization be and is hereby authorized in an amount not to exceed Four Thousand Dollars (\$4,000.00), and

BE IT FURTHER

RESOLVED, that the Building Superintendent and the Supervisor file a wind damage claim with the Firemens Insurance Company of Newark, New Jersey for recovery of any Town expenditures over and above the wind damage policy deductible.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

The resolution was thereupon unanimously adopted.

July 20, 1981

Councilman Berent requested a suspension of the necessary rule for immediate consideration of the following resolution -

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, Krehbiel Associates, Incorporated retained engineers of the Town of Lancaster by letter dated July 17, 1981, has submitted a proposal to provide engineering services to prepare the plans, specifications, proposal and provide services during construction in connection with the installation and insulation of a 6" water line on Main Street across Ellicott Creek in Bowmansville for a total fee not to exceed Two Thousand Four Hundred Dollars (\$2,400.00).

NOW, THEREFORE, BE IT

RESOLVED, that the letter proposal of Krehbiel Associates, Incorporated, dated July 17, 1981, for providing engineering services in connection with the installation and insulation of a 6" water line on Main Street across Ellicott Creek in Bowmansville be and is hereby accepted.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT	VOTED YES
COUNCILMAN BERENT	VOTED YES
COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
SUPERVISOR KEYSA	VOTED YES

The resolution was thereupon unanimously adopted.

July 20, 1981

STATUS REPORT ON UNFINISHED BUSINESS:

1. Dumping Permit Application - Walt's Tree Service
On April 16, 1981, the Planning Board recommended denial of this application. On April 20, 1981 the Town Board returned this application to the Planning Board for further review and recommendation.
2. Grade Crossings, Maple Drive Signalization
On February 4, 1980, the N.Y.S. Dept. of Transportation acknowledged receipt of the Town Board resolution requesting signalization of this crossing and forwarded it to Albany Railroad Safety Section for review.
3. Preferential Rights, Erie Lackawanna R.R.
On March 16, 1981, the Town Board adopted a resolution authorizing the Supervisor to enter into a purchase agreement for the right-of-way.
4. Public Improvement Permit Authorization, Countryside Subdivision, Phase 1 (Josela)
The Town Board on October 1, 1979 authorized the issuance of P.I.P. No. 75 (Street lighting) and P.I.P. No. 76 (sidewalks) which have not yet been accepted by the Town Board. There is no retention pond associated with this subdivision.
5. Public Improvement Permit Authorization, Country View East Subdivision, Phase 1 (Marrano)
On January 21, 1980, the Town Board authorized issuance of P.I.P. No. 77 (sidewalks) and No. 78 (street lighting) which have not yet been accepted by the Town Board. The retention pond has not yet been accepted but completion is secured by a Letter of Credit expiring on November 21, 1981. On July 6, 1981 the Certificates of Occupancy were ordered held until retention basins are cleaned.
6. Public Improvement Permit Authorization, Heritage Hills Subdivision, Phase 1
The Town Board authorized issuance of P.I.P. No. 69 (street lighting) and P.I.P. No. 70 (sidewalks) which have not yet been accepted by the Town Board. The Town Board is awaiting maintenance security for P.I.P. No. 65 (retention pond) prior to acceptance. On July 6, 1981 the Certificates of Occupancy were ordered held until retention basins are cleaned.
7. Public Improvement Permit Authorization, Woodview Estates Subdivision
The Town Board authorized issuance of P.I.P. No. 57 (sidewalks) and No. 58 (street lighting) which have not yet been accepted by the Town Board. There is no retention pond associated with this subdivision. At the Town Board meeting of May 18, 1981 the Building Inspector was directed to inform the developer to complete the required sidewalks within this subdivision.
8. Rezone Petition, Josela Enterprises, Inc.
On July 20, 1981, the Town Board held a Public Hearing on this matter and reserved decision.
9. Special Use Permit, Brink's Motors, Incorporated
On March 2, 1981 this matter was presented to the Town Board and referred to the Planning Board for review and recommendation.

STATUS REPORT ON UNFINISHED BUSINESS CONT'D.:

10. Street Light Damage - New Subdivisions
On June 15, 1981, this matter was referred to the Lighting Committee for review.
11. Subdivision Approval, Countryside East
On January 15, 1979, this matter was presented to the Town Board and referred to the Planning Board for review and recommendation.
12. Subdivision Approval, Lancaster Industrial Commerce Center
On May 12, 1981, the N.Y.S. Dept. of Audit and Control acknowledged receipt of the Water, Sanitary Sewer and Drainage District applications.
13. Subdivision Approval, Plumb Bottom Estates
On June 1, 1981, this matter was presented to the Town Board and referred to the Planning Board for review and recommendation.
14. Traffic Study, Central Avenue and Columbia Avenue Intersection
On September 4, 1980, the County Dept. of Highways requested a report of all accidents at this intersection for the past three years. On October 8, 1980, the Town Clerk provided the County with the required report data.
15. Traffic Study - Genesee Street and Ransom Road
On July 6, 1981, the Town Board adopted a resolution requesting the N.Y.S. Dept. of Transportation to improve the sight line distances at this intersection. On July 13, 1981, the N.Y.S. Dept. of Transportation notified the Town Board that they will conduct this study as their case load permits.
16. Traffic Study, Green Arrows at Central and Walden Avenues
On March 20, 1981, the N.Y.S. Dept. of Transportation notified the Town Board that green arrows will be installed at this intersection.
17. Traffic Study, Speed Reduction on William Street
On September 9, 1980, the N.Y.S. Dept. of Transportation notified the Town Board that this study was under way.

PERSONS DESIRING TO ADDRESS TOWN BOARD:

Mr. John Karlis, 1 East Home Road, complained about the auto repair operation that is being conducted on premises next to his home on the north. The Building Inspector and Deputy Town Attorney were directed to meet with Mr. Karlis and investigate his complaint.

COMMUNICATIONS:DISPOSTION

576. Internal Revenue Service to Supervisor -
Notification that Lancaster New York Opera
House, Inc. is exempt from Federal income
tax.

TOWN ATTORNEY

577. Supervisor to Highway Supt. and Town
Attorney -
Transmittal of letter from Josela Enter.
regarding engineering difficulties in
Countryside Subdivision with request for
review and comments to Town Board.

HWY. SUPT.

TOWN CLERK TO

BILL LATONA OF

KREHBIEL ENGINEERS

578. Town Clerk to Highway Supt. and Building
Inspector -
Current status on ownership, performance,
and maintenance security for Pleasant
Meadow, Heritage Hills, and Country View
East Subdivisions retention basins.

R & F

PLANNING COMMITTEE

579. Supervisor to Lancaster and Depew Village
Mayors, Sen. Volker, and Assemblyman Graber -
Request participation in Torch Run
ceremony to be held 7/18/81.

R & F

580. The Continental Insurance Companies to Town
Clerk -
Request authorization to cancel Plumber's
License Bond for E.C. Snios Plumbing &
Heating as of 4/10/81.

TOWN CLERK

HWY. SUPT.

581. Dog Control Officer to Town Board -
Monthly report for June 1981.

R & F

582. PCB Piezotronics, Inc. to Supervisor -
Age breakdown of employees.

R & F

583. Police Chief to Chair., Police Committee -
Request authorization of bond resolution
in amount of \$36,000.00 for police radio
system.

R & F

584. Town Clerk to Town Board -
Resume of actions taken in regards to
Town Board meeting held 7/6/81.

R & F

585. Arlie J. Schwan to Cable TV Committee
Members -
Recommendation that International
Cable TV be awarded cable franchise.

R & F

586. Town Engineers to Supervisor -
Notification that clogged pipe in Country
View East Subdivision causes flooding
on Pheasant Run Lane.

HWY. SUPT.

587. Youth Bureau to Supervisor -
Transmittal of estimate from Schmidt's
Garage for repairs to station wagon.

SUPERVISOR - OK
TO PROCEED

588. Supervisor to Assessor -
Transmittal of resolution from Lancaster
Central School Dist. extending Job Incentive
Program for buildings constructed from
7/1/81 - 6/30/83.

R & F

589. Supervisor to ECEDA -
Request opportunity to meet regarding the
Urban Development Action Grant Program.

R & F

COMMUNICATIONS:DISPOSTION

590. Town Engineer to Supervisor -
Comments and recommendations regarding sale
of Parkdale Sewer District land.
591. County Dept. of Environ. and Planning to
Mrs. R. Neal Wolfe -
Notification that sidewalk installation on
Genesee St. is Town's responsibility.
592. Town Clerk to Thomas J. Doran -
Notification that variance petition was
granted.
593. Town Clerk to Roy Schneggenburger -
Transmittal of resolution dismissing as
unnecessary an application for fence
height variance.
594. E.C.S. Electrical Contractors to Town
Clerk -
Transmittal of change order regarding
Opera House Restoration.
595. County Dept. of Environ. and Planning to
Supervisor -
Comments regarding the Urban County
1981-82 grant application.
596. Depew Village Clerk to Supervisor -
Transmittal of resolution setting \$10.00
per ambulance call to Town.
597. Highway Supt. to Town Board -
Notice of scrap tire pickup beginning
in August.
598. Assessor to Town Board -
Recommendation that T. Kunz be authorized
to attend seminar at Cornell University
from 8/2-7/81.
599. Cable TV Advisory Committee to Town Board -
Minutes from meeting held 7/2/81.
600. County Dept. of Senior Services to
Supervisor -
Notice of deferment of application process
to later date regarding Demonstration
Clusters Program.
601. Supervisor to Town Board -
Request comments regarding joint meeting
with Clarence Town Board in September to
discuss landfill watersample testing.
602. Bowmansville Vol. Fire Assn., Inc. to
Town Board -
Recommendation of additions and deletions
to active roster.
603. Mary Louise Ardino to Town Board -
Application for appointment as member
to Recreation Commission.
604. Planning Board to Town Board -
Recommendation of denial regarding rezone
petition of Josela Enter. with transmittal
of letter from Town Planning Consultant
recommending same.

R & F

HWY. SUPT.

R & F

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TOWN ATTORNEY

R & F

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SUPERVISOR TO SET
UP MEETING

R & F

R & F

R & F

COMMUNICATIONS CONT'D.:DISPOSITION

605. NFTA to Supervisor -
Notice of meeting to be held 8/5/81 at
Buffalo to discuss report for Phase III of
GBIA's Master Planning Program.
606. Planning Board to Town Board -
Minutes from meeting held 6/17/81.
607. N.Y.S. Dept. of Transportation to Town Clerk -
Notice that study of Genesee and Ransom
will be conducted as workload permits.
608. Receiver of Taxes to Town Board -
Report of taxes collected as of 6/30/81.
609. William D. Rickard to Town Board -
Complaints regarding operating practices
at Lancaster Speedway.
610. Professional Vehicle Sales, Inc. to Town
Clerk -
Letter of appreciation for acceptance of
bid.
611. Lancaster Stone Products Corp. to
Supervisor -
Notification of remedial steps taken
regarding complaint of Mrs. Magio.
612. Supervisor to Town Board -
Request action from State Legislature to
permit suburban representation on Buffalo
Sewer Authority.
613. Town Engineers to Town Board -
Submittal of proposal to provide services
in connection with installation of Main
Street water line.
614. Shelgren & Marzec to Town Board -
Transmittal of Change Order No. 6 - General
Contract - for Opera House Restoration
Project.
615. N.Y.S. Energy Office to Supervisor -
Notice of recommendation of Police/Court
TA Grant to U.S. Dept. of Energy.

R & F

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ATTORNEY FOR

RESOLUTION -8/3/81

TOWN CLERK FOR

SUSPENDED RESOLUTION

MEETING OF 7/20/81

R & F

R & F

The Supervisor requested a suspension of the necessary rule for
immediate consideration of the following communication -
SUSPENSION GRANTED.

616. William J. Hirsch P.C. to Town of Lancaster -
Request consent to operate a bus route
along certain public streets.

TOWN ATTORNEY

ADJOURNMENT:

ON MOTION BY COUNCILMAN BERENT, AND SECONDED BY THE ENTIRE TOWN
BOARD AND CARRIED, the meeting was adjourned at 10:15 P.M. out of respect to:

BERTHA KOZIEL

Signed

Robert P. Thill

Robert P. Thill, Town Clerk